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Attorneys for Sonos, Inc.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA,  
SAN FRANCISCO DIVISION

SONOS, INC.,

Plaintiff and Counter-defendant,  
v.

GOOGLE LLC,

## Defendant and Counter-claimant.

Case No. 3:20-cv-06754-WHA

**Consolidated with  
Case No. 3:21-cv-07559-WHA**

**DECLARATION OF CLEMENT  
ROBERTS IN SUPPORT OF SONOS,  
INC.'S RENEWED OMNIBUS  
ADMINISTRATIVE MOTION TO FILE  
UNDER SEAL**

1 I, Clement Roberts, declare as follows and would so testify under oath if called upon to do  
 2 so:

3       1. I am an attorney with the law firm of Orrick, Herrington & Sutcliffe LLP, counsel  
 4 of record to Sonos, Inc. (“Sonos”) in the above-captioned matter. I am a member in good  
 5 standing of the Bar of the State of California. I make this declaration based on my personal  
 6 knowledge, unless otherwise noted. If called, I can and will testify competently to the matters set  
 7 forth herein.

8       2. I make this declaration in support of Sonos’s Renewed Omnibus Administrative  
 9 Motion to File Under Seal.

10      3. Sonos seeks an order sealing the materials as listed below:

DOCUMENT	PORTIONS TO BE SEALED	DESIGNATING PARTY
Exhibit 1 to the Ma Declaration in support of Google’s Opposition to Sonos, Inc.’s Motion to Realign the Parties [Dkt. No. 511-4]	Entire document	Sonos
Exhibit 1 to the Ma Declaration in support of Google’s Opposition to Sonos, Inc.’s Motion to Realign the Parties [Dkt. No. 512-3]	Entire document	Sonos
Exhibit B to the Kolker Declaration in support of Sonos’s Motion <i>In Limine</i> No. 1 [Dkt. No. 589-4]	Portions identified with blue boxing	Sonos
Google’s Response to Motion <i>In Limine</i> No. 1 [Dkt. No. 589-5]	Portions identified with blue boxing	Sonos
Exhibit 1 to the Cooper Declaration in support of Google’s Response to Motion <i>In Limine</i> No. 1 [Dkt. No. 589-6]	Portions identified with blue boxing	Sonos
Exhibit 2 to the Cooper Declaration in support of Google’s Response to Motion <i>In Limine</i> No. 1 [Dkt. No. 589-7]	Portions identified with blue boxing	Sonos
Exhibit B to the Kolker Declaration in support of Sonos’s Motion <i>In Limine</i> No. 1 [Dkt. No. 590-4]	Portions identified with blue boxing	Sonos
Google’s Response to Motion <i>In Limine</i> No. 1 [Dkt. No. 590-5]	Portions identified with blue boxing	Sonos

DOCUMENT	PORTIONS TO BE SEALED	DESIGNATING PARTY
Exhibit 1 to the Cooper Declaration in support of Google's Response to Motion <i>In Limine</i> No. 1 [Dkt. No. 590-6]	Portions identified with blue boxing	Sonos
Exhibit 2 to the Cooper Declaration in support of Google's Response to Motion <i>In Limine</i> No. 1 [Dkt. No. 590-7]	Portions identified with blue boxing	Sonos
Exhibit 8 to the Judah Declaration in support of Google's Response to Motion <i>In Limine</i> No. 4 [Dkt. No. 597-4]	Entire document	Sonos
Exhibit 8 to the Judah Declaration in support of Google's Response to Motion <i>In Limine</i> No. 4 [Dkt. No. 598-4]	Entire document	Sonos
Exhibit B to the Kolker Declaration in support of Sonos's Motion <i>In Limine</i> No. 1 [Dkt. No. 643-1]	Portions identified with blue boxing	Sonos
Exhibit 1 to the Cooper Declaration in support of Google's Response to Motion <i>In Limine</i> No. 1 [Dkt. No. 643-2]	Portions identified with blue boxing	Sonos
Exhibit 2 to the Cooper Declaration in support of Google's Response to Motion <i>In Limine</i> No. 1 [Dkt. No. 643-3]	Portions identified with blue boxing	Sonos
Exhibit 5 to the Judah Declaration in support of Google's Response to Sonos's Request for Clarification [Dkt. No. 675-5]	Entire document	Sonos
Exhibit 5 to the Judah Declaration in support of Google's Response to Sonos's Request for Clarification [Dkt. No. 676-4]	Entire document	Sonos

4. Together with Sean Sullivan, I am co-lead counsel for Sonos in this matter. I have personally vetted each and every request to seal, as to each and every argument, in Sonos's Renewed Omnibus Administrative Motion to File Under Seal.

5. The document that Sonos seeks to seal is a non-final, non-binding proposed patent license and business engagement agreement between the parties to this lawsuit. It contains the details of a licensing arrangement that the parties were considering, but did not execute, in which both parties would grant licenses to each other, and in which Google would pay Sonos a sum of

1 money on top of the cross-license. The parties agreed, and the term sheet reflects, that the term  
2 sheet is confidential, contains a non-disclosure agreement, and is subject to Federal Rule of  
3 Evidence 408. Sonos seeks sealing of this document, and references to the contents of this  
4 document, because this document consists entirely of details of confidential licensing negotiations  
5 between the parties, including a proposed but not executed license agreement and financial terms.  
6 Disclosure of this document and the references to specific information from this document would  
7 harm Sonos by giving Sonos's competitors specific insights into Sonos's licensing strategies  
8 generally and the precise terms on which Sonos considered a cross-license and license payment  
9 with Google. Disclosing this information to competitors would arm them with an asymmetrical  
10 advantage over Sonos in negotiating future license agreements and business engagement  
11 agreements, which would harm Sonos's competitive standing and its ability to negotiate future  
12 agreements. Sonos seeks to seal only a narrowly tailored set of material; a less restrictive  
13 alternative would not be sufficient because Sonos already seeks to seal only the contents of the  
14 confidential licensing negotiation document and nothing else.

15 I declare under penalty of perjury that the foregoing is true and correct to the best of my  
16 knowledge. Executed this 30<sup>th</sup> day of June, 2023 in Belvedere, California.

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18 */s/Clement S. Roberts*  
19 Clement Seth Roberts  
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